

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

RICHARD WEED

Defendant.

**Criminal No. 14-cr-10348-DPW**

**MOTION TO LIMIT CROSS-EXAMINATION  
REGARDING WITNESS'S PRIOR DRUG USE**

The government moves *in limine* to limit extended cross-examination regarding prior drug use by one of the government's witnesses.

In compliance with its discovery obligations, the government disclosed to defense counsel that one of its witnesses—identified in the Indictment as CC-1—used illegal drugs and attended Narcotics Anonymous. The disclosure of such information, however, does not make it relevant or appropriate for cross-examination. Nonetheless, citing United States v. Mazzola, 217 F.R.D. 84, 89 (D. Mass. 2003), defense counsel recently advised that they do intend to cross-examine CC-1 regarding his drug use.

The government anticipates inquiring of CC-1 on direct examination regarding his prior struggles with both drug and alcohol abuse and about his participation in both Narcotics Anonymous and Alcoholics Anonymous. Further, the government understands that CC-1 abused drugs and alcohol and participated in both Narcotics Anonymous and Alcoholics Anonymous prior

to the conduct at issue in this case, and prior to his dealings with the defendant. Under these circumstances, that purported drug and alcohol abuse is not relevant to CC-1's ability to perceive or recount his interactions with the defendant. See Mazzola, 217 F.R.D. at 89 (drug use during the time period alleged in the indictment may be relevant to the witness's ability to perceive the events at issue). More importantly, if CC-1 admits to his prior abuses, there will be no need for extended cross-examination on this topic.

### **Conclusion**

For the foregoing reasons, the government respectfully requests that this Motion be ALLOWED and that—should CC-1 admit to his prior abuse of drugs and alcohol—that further extended cross-examination on those issues be prohibited.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By: /s/ Sarah E. Walters  
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Dated: April 25, 2016

### **CERTIFICATE OF SERVICE**

I certify that on April 25, 2016, this document was filed through the ECF system, which will provide electronic notice to counsel as identified on the Notice of Electronic Filing.

/s/ Sarah E. Walters  
SARAH E. WALTERS